IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.273 OF 2004

Spirax Marshall Pvt.Ltd. .. Appellant
V/s
Dy.Commissioner of Income Tax
Spl.Range-3, Pune - 411 034. .. Respondent

Mr.S.E.Dastur, Senior Counsel with Mr.A.K.Jasani for the Appellant. for the Respondents.

Mr.R.V.Desai, Senior Counsel with Mr.P.Kapoor for the Respondent.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 18.01.2005.

P.C.:

1. Appeal is admitted. The learned Senior Counsel for Respondent waives service. By consent taken up for final hearing. Heard the learned Counsel for the parties. Perused order of the Income Tax Appellate Tribunal dated 11.9.2003. Mr.Dastur, the learned Senior Counsel for the Appellant has pointed out that the Tribunal has not considered the method of accounting that has been followed by the Appellant for the last several years which was accepted by the Revenue. He also brought to our notice that two important judgments viz.**CIT V/s Simplex Concrete Pipes - 179 ITR 8** and **Anup Engineering Ltd.V/s.CIT-247 ITR 457,** were not considered by the Tribunal, though cited before it.

2. Under the aforesaid facts and circumstances, we quash and set aside the impugned order dated 11.9.2003 of the Income Tax Appellate Tribunal and the matter is

remanded back to the Income Tax Appellate Tribunal, Pune, to decide the same afresh on all issues, as expeditiously as possible. Appeal is allowed accordingly, however with no order as to costs.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)